## Case 5:09-cv-05843-RS Document 28 Filed 11/29/10 Page 1 of 2 11/29/10\*

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| 5  | ATTORNEY FOR PLAINTIFF   |  |
| 6  | UNITED STATES DISTRICT COURT<br>NORTHERN DISTRICT OF CALIFORNIA<br>SAN JOSE DIVISION                     |  |
| 7  |  |  |
| 8  |  |  |
| 9  | LANCE GITTIN, on behalf of himself and all others similarly situated,                                    | )  |
| 10 | inniscit and all others similarly situated,  | Civil Action No. 09-05843 RS   |
| 11 | Plaintiff,   | ) REQUEST TO CONTINUE DECEMBER 2,                                      |
| 12 |  | ) 2010 CASE MANAGEMENT<br>) CONFERENCE and <del>[Proposed]</del> ORDER |
| 13 | V.   | <b>)</b>   |
| 14 | KCI USA, INC.,   | )<br>)   |
| 15 | Defendant.   | )<br>)   |
| 16 |  | _ )  |
| 17 | The parties attended mediation on August 12, 2010. A continued mediation was conducted or                |  |
| 18 | September 24, 2010.  |  |
| 19 | The parties have exchanged settlement documents and are working on a joint motion for                    |  |
| 20 | preliminary approval of a class certification and approval of a class action settlement. Thus, Plaintiff |  |
| 21 | respectfully request the Court continue the December 2, 2010 Case Management Conference                  |  |
| 22 |  |  |
| 23 | approximately three-weeks.   |  |
| 24 | Dated: December 2, 2010  | /s/Ronald Wilcox   |
| 25 | 2 2  | Ronald Wilcox, Counsel for Plaintiff                                   |
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|    |  | - 1 -  |

[Proposed] ORDER The stipulation of the parties is hereby adopted. The December 2, 2010 Case Management IT IS SO ORDERED. Date: 11/29/10 U.S. DISTRICT COURT JUDGE